

## STATE OF VERMONT

## HUMAN SERVICES BOARD

In re ) Fair Hearing No. 14,109

)

Appeal of )

)

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare finding him and his wife ineligible for medicaid until they meet a spenddown of \$1,061.00 for the six month period beginning December 1, 1995. <sup>(1)</sup> The issue is whether the Department's decision is in accord with the pertinent regulations.

FINDINGS OF FACT

Prior to November, 1995, the petitioner received Social Security benefits and worked part time. Because of generous earned income disregards, the petitioner was eligible for medicaid during this time. In November, 1995, the petitioner lost his job, and in December, 1995, he began receiving unemployment compensation.

The petitioner does not dispute that his monthly income from Social Security and Unemployment Compensation is \$879.00. The petitioner is married, but his wife has no income (she is in the process of applying for SSI). Based on this information, the Department determined that for the six month period beginning December 1, 1995, the petitioner and his wife would be ineligible for medicaid until they incurred medical expenses in that period totaling \$1,061.00.

ORDER

The Department's decision is affirmed.

REASONS

Under the medicaid regulations the "protected income level" for a household of two persons is \$683.00. Medicaid Manual (MM) § M402 and Procedures Manual § P-2420 B. After all applicable disregards to the petitioner's income (only a standard \$20.00 disregard appears applicable to the petitioner's situation) the petitioner is \$176.00 a month over income--or \$1,061 for the six month period of eligibility. Inasmuch as the Department's decision in this matter is in accord with the regulations, the Board is

bound to affirm it. 3 V.S.A. § 3091(d), and Fair Hearing Rule No. 17.

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1. The petitioner also appealed a reduction in his food stamps. However, at a hearing in this matter held on March 6, 1996, the Department agreed to recalculate the petitioner's food stamps allowing him certain disregards from his earned income, and the petitioner agreed that the appeal of his food stamp decision could be considered separately by the Board if there remains a dispute following the Department's recalculations.